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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,106	11/30/2001	Jeff M. Anderson	10006911-1	5396

7590 06/17/2004

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EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
	2671

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/010,106	ANDERSON ET AL.
	Examiner	Art Unit
	Phu K. Nguyen	2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 March 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,8 and 11-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,8 and 11-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Phu K. Nguyen

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8, and 11-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAVOIE (6,571,051) in view of HIRANO (6,180,862).

As per claim 1, Savoie teaches the claimed "server" (Savoie, column 1, lines 36-37; figure 3 – column 5, lines 14-19, 23-25, 37-40; column 8, lines 35-37) "a lower resolution proxy of a higher resolution image (Savoie, column 6, lines 23-33; column 6, line 64 to column 7, line 15), the image editing program generating a batch of commands corresponding to edits made on the proxy" (Savoie, column 7, lines 16-42). It is noted that although Savoie teaches that a

remote unit or an on-line unit uses an edit program to create the edit decision list (EDL), Savoie does not explicitly teach that "image editing program" is transmitted from the server to the client as claimed. Hirano teaches that the transmitting of editing program from the server to a client is well known (Hirano, column 13, lines 53-64; column 18, lines 62-66). It would have been obvious for the server to provide the edit program on-line to the client because it will reduce the need to installing the edit programs on the client's system and enhances the number of edit programs run by the client's computer.

Claim 2 adds into claim 1 "programmed to await the receipt of a batch of commands from the client" which Savoie teaches in column 8, lines 8-24 (see also Hirano, column 14, lines 10-15).

Claim 3 adds into claim 2 "programmed to receive a batch of commands from the client and use the batch of commands to edit the higher resolution version of the proxy" which Savoie teaches in column 6, lines 42-60.

Claim 4 adds into claim 3 "programmed to store the commands that have been received as an edit history" which Savoie teaches in column 5, lines 31-32.

Claim 5 adds into claim 4 "the server is programmed to use the edit history to roll back changes in response to a request by the client" which the cited references do not teach. However, it would have been obvious to use the edit list

to roll back changes because Savoie stores all the EDL in the memory 302 and these EDL can be modified to roll back changes as decided (column 7, lines 2-42) to recover the original data.

As per claim 8, Savoie teaches the claimed "server" (Savoie, column 1, lines 36-37; figure 3 – column 5, lines 14-19, 23-25, 37-40; column 8, lines 35-37) "means for transmitting a lower resolution proxy of a higher resolution image to a client" (Savoie, column 6, lines 23-33; column 6, line 64 to column 7, line 15), the image editing program generating a batch of commands corresponding to edits made on the proxy" (Savoie, column 7, lines 16-42). It is noted that although Savoie teaches that a remote unit or an on-line unit uses an edit program to create the edit decision list (EDL), Savoie does not explicitly teach that "image editing program" is transmitted from the server to the client as claimed. Hirano teaches that the transmitting of editing program from the server to a client is well known (Hirano, column 13, lines 53-64; column 18, lines 62-66). It would have been obvious for the server to provide the edit program on-line to the client because it will reduce the need to installing the edit programs on the client's system and enhances the number of edit programs run by the client's computer.

As per claim 11, Savoie teaches the claimed "network client" (Savoie, column 3, lines 44-50; column 5, lines 37-40) "to perform image edits on a proxy of a high resolution image" (Savoie, column 6, lines 23-33; column 6, line 64 to

column 7, line 15); “generate commands corresponding to edits made on the proxy” (Savoie, column 3, lines 51-54; column 7, lines 7-9); and “upload the commands as a batch” (Savoie, column 3, lines 53-54; column 7, lines 1-7). It is noted that although Savoie teaches that a remote unit or an on-line unit uses an edit program to create the edit decision list (EDL), Savoie does not explicitly teach that “the client is “programmed” to edit the proxy image as claimed. Hirano teaches that the transmitting of editing program from the server to a client to program the client for edit process is well known (Hirano, column 13, lines 53-64; column 18, lines 62-66). It would have been obvious for the server to provide the edit program on-line to the client to program the edit process because it will reduce the need to installing the edit programs on the client’s system and enhances the number of edit programs run by the client’s computer.

Claim 12 adds into claim 11 “the network client performs the image edits by displaying the proxy, receiving image edit inputs; overlaying a grid on the proxy, and using grid elements to compute commands in response to the image edit inputs” which the cited references do not teach. However, it would have been obvious, given the teaching of Savoie’s editing full version of image data from the EDL of a lower version (column 6, lines 25-30), to configure the system as claimed because the use of a grid to reduce the number data required to process and improves the speed when creating the edit decision list.

Claims 13-15 claim a network client, a system, and an image-editing program based on the computing apparatus of claim 1; therefore, they are rejected under the same reason.

Claims 16-17 claim an article for network client based on the computing apparatus of claims 1-5, therefore, they are rejected under the same reason.

Claims 18-21 claim an article for server based on the computing apparatus of claims 1-5, therefore, they are rejected under the same reason

Claims 22-23 claim method of performing on-line editing based on the computing apparatus of claims 1-5, therefore, they are rejected under a same reason.

Claims 24-28 claim method of performing on-line editing based on the computing apparatus of claims 1-5, therefore, they are rejected under a same reason.

Due to new ground of the rejection cited above, this action has been made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (703)305 -9796. The examiner can normally be reached on M-F 8:00-4:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
June 2, 2004

Phu K. Nguyen
PHU K. NGUYEN
PATENT EXAMINER
COMPUTER ARTS